

Lee Sim

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF EXCHANGE

APPLICATION NUMBER E3335 (35-9896)

MEMORANDUM DECISION

Exchange Application Number E3335 (35-9896), in the name of Green Hill Development Company Inc., was filed on October 6, 1994, to exchange 100.0 acre-feet of water as evidenced by U.S. Bureau of Reclamation and Contract with Weber Basin Water Conservancy District under Water Right Numbers 35-7395 (A10989) and 35-827 (A27608). The 100.0 acre-feet of water is to be released into the Ogden River and, in lieu thereof, 100.0 acre-feet of water will be diverted from a proposed new well to be located North 1500 feet and East 2200 feet from the W $\frac{1}{2}$  Corner of Section 9, and an existing 10 inch well, 260 feet deep, located North 2000 feet and East 2000 feet from the SW Corner of Section 9; both in T6N, R2E, SLB&M. The water is proposed to be used for the supplemental irrigation of 40.00 acres from April 1 to October 31, the stockwatering of 100 head of livestock, and the domestic purposes of 100 families.

The application was advertised in The Ogden Standard-Examiner from October 27, 1994, to November 10, 1994, and was protested by the US Department of the Interior, Bureau of Reclamation. A hearing was not held.

The protest of the Bureau of Reclamation expressed concern about the uses of water exceeding the amount of water on contract under this application.

It appears that this exchange can be made provided certain precautions are observed.

It is, therefore, **ORDERED** and Exchange Application Number E3335 (35-9896) is hereby **APPROVED** subject to prior rights and the following conditions:

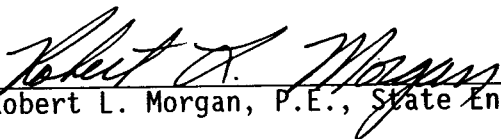
- 1) The basis for this exchange right is a contract between the applicants and Weber Basin Water Conservancy District. This contract must be maintained for this exchange to remain valid. No water may be withdrawn from the well if a contract is not in effect.
- 2) Total diversion under this exchange application for all uses is limited to 100.0 acre-feet of water per year. These uses are limited to the domestic needs of 100 families, irrigation of 17.4 acres and watering of 100 livestock. For the purpose of regulating this exchange, the applicants shall install a permanent totalizing meter to measure withdrawals from the wells, which meters shall be available for inspection by the commissioner of the Weber River at any reasonable time.
- 3) The water being exchanged shall be released from Pineview Reservoir into the Ogden River as called for by the river commissioner.
- 4) The applicants and its successors must comply with all applicable regulations promulgated by the Utah Division of Drinking Water.
- 5) Exchange Application Number E1296 is hereby superseded and replaced by this application.

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- 4) Under the authority of Section 73-3-20 of the Utah Code, the applicant is required to submit a proof diversion and beneficial use of water upon 60 days notification by the State Engineer. The proof shall be in the same form and contain the same elements as required for appropriation or permanent change of water under Section 73-3-16 of the Utah Code Annotated.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 8th day of August, 1995.

  
Robert L. Morgan, P.E., State Engineer

RLM:JRM:mw


Mailed a copy of the foregoing Memorandum Decision this 8th day of August, 1995, to:

Green Hill Development Company Inc.  
6393 South Bybee Drive  
Ogden, UT 84403

US Department of the Interior  
Bureau of Reclamation  
302 East 1860 South  
Provo, UT 84606-7317

Weber Basin Water Conservancy District  
2837 East Highway 193  
Layton, UT 84040

E. Blaine Johnson  
1615 E. Shadow Valley Drive  
Ogden, UT 84403

BY:   
MaClovia White, Secretary